

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWARD MOTLEY,

Plaintiff,

v.

PATRICK COVELLO, et al.,

Defendants.

No. 2:24-cv-00002-DJC-EFB (PC)

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. This case proceeds on plaintiff's complaint alleging First Amendment, Eighth Amendment, and state law negligence claims related to allegedly unsanitary food service at the Mule Creek State Prison (MCSP). ECF Nos. 1, 7. Plaintiff has filed two motions for a temporary restraining order and/or preliminary injunctive relief (the "TRO Motions"). ECF Nos. 11, 41. The court has ordered the parties to submit supplemental briefing. ECF No. 48.

Presently before the court is plaintiff's "Request to preserve status quo re: pending request for TRO," which the court construes as a motion to further supplement the record regarding the outstanding TRO Motions. ECF No. 50 (the "Motion to Further Supplement the Record"). Plaintiff represents that: (1) inspectors from the federal Occupational Safety and Health Administration (OSHA) visited the prison on September 25, 2025 and ordered a closure of the B facility dining hall; (2) prisoners who were previously served from the B facility dining hall are

1 now being served from the A facility dining hall; but (3) conditions in the A facility dining hall
 2 are also unsanitary and the C facility dining hall may have unsanitary conditions as well.
 3 Regarding the conditions in the A facility dining hall, plaintiff cites monthly inspection reports
 4 for January and February 2025 that were submitted by defendants with their initial response to the
 5 first TRO Motion, in which various sanitation issues are noted.¹ ECF No. 50 at 3 (referencing
 6 ECF NO. 26-1 at 41-54).

7 The court finds plaintiff's Motion to Further Supplement the Record well taken and will
 8 modify its order of October 7, 2025 (ECF No. 48) to order defendants to respond to the
 9 information set forth in plaintiff's Motion to Further Supplement the Record. Defendants should
 10 include: (1) a copy of the report and resulting closure order for the B facility dining hall resulting
 11 from the September 25, 2025 OSHA inspection; (2) information about efforts to bring the B
 12 facility dining hall into compliance with OSHA standards; (3) information about the current
 13 condition of the A facility and C facility dining halls; and (4) any other information they deem
 14 relevant to plaintiff's representations in his Motion to Further Supplement the Record.

15 At their discretion, defendants may submit a single pleading consolidating their response
 16 to the information contained in plaintiff's Motion to Further Supplement the Record (ECF No.
 17 50) with their response to the first TRO Motion (ECF No. 11) and to the second TRO Motion
 18 (ECF No. 41). The deadlines set forth in the court's October 7, 2025 order remain in force.²

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21 ¹ Plaintiff also references an "Attach.20 herein" but his motion as docketed does not
 22 include any attachment. ECF No. 50 at 2 ¶ 4. The attachment is described as his July 9, 2025
 letter to OSHA. At his discretion, plaintiff may submit the letter by separate pleading.

23 Plaintiff also references a document described as the "Food Services Handbook (2022)."
 24 ECF No. 50 at 2 ¶ 8. The court will not consider exhibits that have not been entered into the
 record. Plaintiff must either submit a copy of the document (copies of title page and relevant
 25 pages may be sufficient), or provide sufficient citation to enable publicly accessible reference to
 the document (for example, a website or information such as author and/or publisher).

26 ² District courts have inherent power to control their dockets to promote efficient use of
 judicial resources and "it is common for district courts to sua sponte extend deadlines" for this
 27 purpose. *Zest IP Holdings, LLC v. Implant Direct Mfg., LLC*, No. 10cv5410GPC(WVG), 2014
 WL 6851607, at *25 (S.D. Cal. June 16, 2014) (citations omitted); *see also Barnes v. Blackburn*,
 28 No. 1:20-cv-333-DAD-EPG (PC), 2021 WL 2666068, at *1 (E.D. Cal. June 29, 2021) (court sua
 sponte allowed 21 day extension of time to file response).

ORDER

Accordingly, IT IS ORDERED that:

1. Plaintiff's Motion to Further Supplement the Record, ECF No. 50, is GRANTED.
2. Defendants shall file their response to the information contained in plaintiff's Motion to Further Supplement the Record no later than October 27, 2025.
3. All other deadlines contained in the court's Order of October 7, 2025 (ECF No. 48) remain in effect, except that at their discretion defendants may file their response to the information stated in ECF No. 50 in a single pleading that also incorporates their supplemental response to plaintiff's first TRO motion (ECF No. 11) and their response to plaintiff's second TRO motion (ECF No. 41).
4. Plaintiff shall have until November 10, 2025 to file his reply/replies.

Dated: October 8, 2025


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE